

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: March 22, 2012

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Hilary Dvorak, Interim Planning Manager, Community Planning & Economic Development - Planning Division, Development Services

CC: Jason Wittenberg, Interim Planning Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of February 21, 2012

The following actions were taken by the Planning Commission on February 21, 2012. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Huynh, Kronzer, Luepke-Pier, Mammen, Schiff and Tucker – 8

Not present: Wielinski (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

1. CenterPoint Energy (Vac-1595, Ward: 7), ([Becca Farrar](#)).

A. Vacation: Application by CenterPoint Energy to vacate portions of Aldrich Ave N and Bryant Ave N, south of Linden Ave W. The property is currently utilized by CenterPoint Energy as part of an existing parking lot for employees.

Action: The City Planning Commission recommended that the City Council accept the findings and approve the vacation (Vacation File 1595 A and B) subject to the maintenance of an existing utility easement to the City of Minneapolis as well as the provision of easements dedicated to Xcel Energy over the entire described areas to be vacated.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the consent agenda (Kronzer seconded).

The motion carried 7-0.

2. Hennepin County (Vac-1598, Ward: 10), ([Becca Farrar](#)).

A. Vacation: Application by Hennepin County has applied to vacate the north-south alley not previously vacated adjacent to the Walker Branch, Hennepin County Library located at 2880 Hennepin Ave. The block is bounded by Hennepin Ave on the east, vacated Holmes Ave on the west, The Mall on the north and Lagoon Ave on the south.

Action: The City Planning Commission recommended that the City Council accept the findings and approve the vacation (Vacation File 1598) subject to the provision of easements dedicated to Xcel Energy and Centurylink over the entire described area to be vacated.

President Motzenbecker opened the public hearing.

David George: I might be a little out of my element here in that I'm not that familiar with the process. I talked to the staff person and the Hennepin County person that proposed the vacation and I think that I understand that now is not really the time to put forth all of my concerns about anything that might result after this vacation, but I didn't want to miss the opportunity to lay down the fact that I do have some concerns not with the vacation but rather for the reasons stated by the applicant that certain things are probably going to happen on that vacated alley as a result of the vacation and those are the things that concern me. To put it in a nutshell, what's happening here is that the Walker Library is moving a little close to my residents who live in these apartment buildings. The concern that I have has to do with the road bed that's going to be in the vacated alley which is right underneath the balconies. I just wanted to raise the issue and confirm the best time to address this finally is at the site plan review, which will happen at some later point in time. I do have some concerns and mostly I don't want to get down to the very last minute and raise the issue at that point.

President Motzenbecker: I suggest that you submit your list of concerns to the staff person and to Hennepin County so that those are entered into the record at an early time. It will make sure your information is included in the information that is mailed to us so that we can review that ahead of time and not see it at the last minute or hear it at the last minute at the public hearing that involves the site plan review. If you do that and then again when that particular item is up for review to be present again to reiterate, that would be very helpful for us.

David George: Fair enough. I've already given the packages today to both the planner and to Mr. Noonan. I'll assume that they will give that information to you. I just wanted to be sure to cover the bases.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move staff recommendation to approve the vacation (Schiff seconded).

President Motzenbecker: Any further discussion? All in favor? Opposed?

The motion carried 7-0.

3. Zoning Code Text Amendment (Ward: All), ([Kimberly Holien](#)).

A. Text Amendment: Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to the Zoning Code: Administration and Enforcement.

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision.

The purpose of the amendment is to amend land use application, inspection and subdivision fees.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the zoning code text amendment to Chapter 525, Administration and Enforcement and Chapter 598, Land Subdivision.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the consent agenda (Kronzer seconded).

The motion carried 7-0.

5. City Walk Uptown (BZZ-5455 and Vac-1582, Ward: 10), 1312 Lake St W ([Janelle Widmeier](#)).

A. Conditional Use Permit: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a conditional use permit to increase the maximum height from 4 stories to 7 stories and from 56 feet to 82 feet, 2 inches at the tallest point for the property located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the application for a conditional use permit to increase the maximum building height from 4 stories to 7 stories and from 56 feet to 82 feet 2 inches for the property located at 1312 Lake St W, subject to the following condition:

1. The conditional use permit shall

2. be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

B. Variance: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a variance to reduce the minimum parking requirement for the commercial uses from 169 to 94 spaces for the property located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the variance to reduce the minimum parking requirement for the commercial uses from 169 to 94 spaces located at the property located at 1312 Lake St W.

C. Variance: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a variance of the PO overlay district standard requiring the first floor of the building to be located not more than 8 feet from lot line adjacent to a street to allow the first floor to be setback more than 8 feet from Lake St, Girard Ave and Lagoon Ave for the property located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the variance of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lake St, Girard Ave and Lagoon Ave located at the property located at 1312 Lake St W, subject to the following condition:

1. The first floor setbacks shall be as shown on the plans.

D. Variance: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a variance of the PO overlay district standard requiring windows on a minimum of 40 percent of the first floor façade of each nonresidential use that faces a public street to allow fewer windows for uses that would face Lake St, Girard Ave and Lagoon Ave for the property located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the variance of the PO Overlay District standard requiring windows on a minimum of 40 percent of the first floor façade of each nonresidential use that faces a public street to allow fewer windows for uses that would face Lake St, Girard Ave and Lagoon Ave located at the property located at 1312 Lake St W, subject to the following condition:

1. At least 40 percent of the north wall of the "Restaurant A" tenant space facing Lagoon Avenue and the west wall of "Retail 1" tenant space facing Girard Avenue shall be glass as required by section 551.120 of the zoning code.

E. Variance: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a variance of the PO overlay district standard requiring a maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Lagoon Ave for the property located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the variance of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Lagoon Ave located at the property located at 1312 Lake St W.

F. Variance: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a variance to reduce the interior side yard requirement from 15 feet to 13 feet to allow the building located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the variance to reduce the interior side yard requirement from 15 feet to 13 feet to allow the building located at the property located at 1312 Lake St W.

G. Site Plan Review: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a site plan review for the property located at 1312 Lake St W.

Action: The City Planning Commission adopted the findings and approved the application for site plan review for a new mixed use building with 92 dwelling units located at the property located at 1312 Lake St W, subject to the following conditions:

1. Windows that allow views into and out of the building at eye level shall be provided on the first floor of the building facing the east lot line as required by section 530.120 of the zoning code to allow more opportunities for natural surveillance and to prevent blank, uninterrupted walls exceeding 25 feet in length that do not include architectural elements.
2. Additional architectural elements shall be provided on the second level of the building facing the east lot line as required by section 530.120 of the zoning code to prevent a blank, uninterrupted wall exceeding 25 feet in length that does not include architectural elements.
3. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
4. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 21, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

H. Vacation: Application by Gretchen Camp with BKV Group Inc., on behalf of Uptown Gassen LLC, for a vacation of 22 feet of Lagoon Avenue right-of-way currently occupied by a surface parking lot located at 1312 Lake St W.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the application for the vacation of 22 feet of Lagoon Ave right-of-way for the property located at 1312 Lake St W, subject to the following condition:

1. An easement shall be reserved for Xcel Energy and Qwest.

President Motzenbecker is recused.

Staff Widmeier presented the staff report.

Commissioner Huynh: Can you also confirm the total number of bike stalls provided on site, please?

Staff Widmeier: I believe there are 46 bike spaces proposed for the residential, those are in the parking garage and meet the minimum requirements. I believe 48 are proposed for the nonresidential; these enclosed spaces in the parking garage and then there are short term spaces in the public right of way. Those are required stalls so get the bicycle incentive to reduce the parking requirement, so that was taken into account.

Commissioner Schiff: I know there's a vacation as part of this application. What is the sidewalk width on Lagoon Ave that would result after the vacation?

Staff Widmeier: It would be 14 feet; three feet wider than it is now.

Commissioner Tucker opened the public hearing.

Gretchen Camp (222 N 2nd St): I'm with BKV. We're just here for questions if you have them. We're in complete agreement with the staff report and we've appreciate their help and we look forward to getting this project moving forward.

Rita Martinez (2728 Fremont Ave S) [not on sign-in sheet]: I've seen a lot of changes in this area. We've always been a hub without a hub being built for buses which is a reason I moved into the neighborhood. I will tell you that in the last five years, the increase in nonresident parking on my block is outrageous. From Wednesday through Saturday night you cannot find a parking space if you live on the block. People come and park on our block because it's free and it's convenient. I think it's disingenuous to suggest that parking spaces such as the Mosaic, which I understand to be paid parking, is going to help alleviate the shortage that will occur as a result of downsizing the amount of parking that is required. There's a reason for that requirement and as we become more and more dense on the perimeters of our neighborhood, that requirement shouldn't shrink, it should at least stay the same. It's fine to talk about that we shouldn't make it convenient for people to drive, but there are a heck of a lot of people that will drive and they will not be deterred by not having parking on the spot, they'll just park a few blocks further down. Additionally, when it's time for the bars and entertainment areas to close, we are treated to a nice barrage of people coming to our street to get their car. I don't appreciate the noise at 1:00 a.m. outside of my house nor do I appreciate the litter and vandalism that has occurred. I ask you to please consider not allowing this variance to parking and keep that in mind as other development is proposed for the area. I'm not against the development, I just think we need to be serious about providing space for everybody and not impacting the nearby single family residents. Thank you.

Commissioner Schiff: Have you talked to your council member about critical parking?

Rita Martinez: Yes. Tell me who else I can talk to because I have talked to her, our neighborhood board and the zoning group. I tell them that if this continues that I'm not the only person who is going to be thinking of leaving the city. It's just ridiculous if you're a resident and you need parking.

Commissioner Schiff: I know a lot of blocks in Uptown already have critical parking and I represent an area with a different problem; I represent light rail where we have people parking and riding in front of people's homes during the day while they commute downtown or go to the airport on a three day trip. The critical parking has solved that problem.

Rita Martinez: The critical parking is the by permit parking, right?

Commissioner Schiff: Exactly. It costs a little bit more but I think it's really worth it.

Rita Martinez: I will pursue it, but I don't think the individual residents of the neighborhood ought to be paying the price of parking that's required for restaurants and other entertainment on the edges of our neighborhood. That's a band-aid. Thank you and I will pursue it.

Commissioner Tucker closed the public hearing.

Commissioner Huynh: I will move staff recommendation to approve the CUP (Luepke-Pier seconded).

Commissioner Tucker: Any discussion? All those in favor? Opposed?

The motion carried 6-0.

Commissioner Huynh: I will move staff recommendation on item B (Kronzer seconded). Because we are in pedestrian overlay and because there are a surplus of peak parking stalls right now at Calhoun Square but also an additional 400 stalls at Mosaic, I feel that to decrease the amount of single occupancy vehicles... there is sufficient amount of parking stalls there provided for the potential restaurant use. Given that they're also providing 94 bicycle stalls, that would reduce the impact as far as automobile traffic. I feel that the development is providing a sufficient amount of parking that is adequate for the area. I agree with Commission Schiff and recommend you look at critical parking for your district.

Commissioner Luepke-Pier: I also support the motion, but I did want to say I am sympathetic to your presentation here today. I'm not sure that requiring them to have the full amount would even mitigate your situation at all since it would be paid parking as well. The people that are going to park on your block are going to be jerks and do it anyway. If they're not going to pay \$4 to do it one block over they're not going to do it here either so I'm not sure it would help your situation either.

Commissioner Tucker: Any discussion? All those in favor? Opposed?

The motion carried 6-0.

Commissioner Huynh: I will move staff recommendation for C, D and E (Luepke-Pier seconded).

Commissioner Kronzer: I would encourage us in new buildings to meet a 40% window requirement. I know we're really close on this project but especially in a pedestrian overlay district meeting that 40% is quite important.

Commissioner Tucker: Any discussion? All those in favor? Opposed?

The motion carried 6-0.

Commissioner Huynh: I will move item F, staff recommendation (Luepke-Pier seconded).

Commissioner Tucker: Any discussion? All those in favor? Opposed?

Commissioner Huynh: I will move staff recommendation for item G (Schiff seconded).

Commissioner Tucker: Any discussion? All those in favor? Opposed?

Commissioner Huynh: I will move staff recommendation for item I (Luepke-Pier seconded).

Commissioner Tucker: Any discussion? All those in favor? Opposed?

The motion carried 6-0.